

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

OREGON NATURAL DESERT  
ASSOCIATION, COMMITTEE FOR  
THE HIGH DESERT, and WESTERN  
WATERSHEDS PROJECT,

CV 03-1017-JE

ORDER

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT;  
ELAINE M, BRONG, State Director,  
Oregon/Washington BLM; DAVE  
HENDERSON, Vale District Manager, BLM;  
TOM DABBS, Field Manager, Malheur  
Resource Area, BLM; and JERRY TAYLOR,  
Field Manager, Jordan Resource Area,  
BLM,

Defendants.

PETER M. LACY  
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**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and Recommendation (#103) on March 29, 2005, in which he recommended the Court grant Defendants' Motion for Judgment On The Basis Of The Administrative Record (#81), deny Plaintiffs' Dispositive Motion (#51), and dismiss the matter with prejudice. Plaintiffs filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v.*

*Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). Because the objecting party did not arrange for the transcription of the record pursuant to Fed. R. Civ. P. 72(b) nor did any party protest the lack of a transcript, the Court did not review a transcript or tape recording of the proceedings before the Magistrate Judge as part of the Court's *de novo* review. See *Spaulding v. Univ. of Wash.*, 686 F.2d 1232, 1235 (9<sup>th</sup> Cir. 1982).

This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#103). Accordingly, the Court **GRANTS** Defendants' Motion for Judgment On The Basis Of The Administrative Record (#81), **DENIES** Plaintiffs' Dispositive Motion (#51), and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 22<sup>nd</sup> day of July, 2005.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge

